

**ASSEMBLY BILL**

**No. 751**

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**Introduced by Assembly Member Chu**

February 18, 2005

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An act to amend Section 1296 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 751, as introduced, Chu. County superintendent of schools: employees.

Existing law requires that if the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each employee of the county whose probationary period commenced prior to the 1983-84 fiscal year, who has been employed for 3 complete consecutive school years by the superintendent in a teaching position, as defined, and who is reelected for the next succeeding school year must be classified as and become a permanent employee of the county superintendent of schools. Existing law requires for employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter, that classification to occur under those conditions upon employment for 2 complete consecutive school years. Existing law requires the county superintendent of schools to define "teaching position" for the purposes of determining the employees these provisions apply to.

This bill would delete the condition that these employees be employed by the county superintendent in a teaching position and would repeal the requirement that county boards of education or county superintendents of schools define "teaching position."

The bill would also update cross-references and make conforming and other technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1296 of the Education Code is amended  
2 to read:

3 1296. (a) If the average daily attendance of the schools and  
4 classes maintained by a county superintendent of schools is 250  
5 or more, each person who, after being employed for three  
6 complete consecutive school years by the *county* superintendent  
7 in a ~~teaching~~ position in those schools or classes requiring  
8 certification qualifications and whose salary is paid from the  
9 county school service fund, is reelected for the next succeeding  
10 school year to ~~such a~~ *that* position in those schools or classes,  
11 shall be classified as and become a permanent employee of the  
12 county superintendent of schools.

13 ~~Such an~~

14 *The* employee shall have the same rights and duties as  
15 employees of school districts to which Section ~~44882~~ *44929.21*  
16 applies. Sections ~~44841, 44842, 44882~~ *44929.21, 44948.3, and*  
17 *44948.5* are applicable to these employees.

18 This subdivision shall apply only to probationary employees  
19 whose probationary period commenced prior to the 1983–84  
20 fiscal year.

21 (b) If the average daily attendance of the schools and classes  
22 maintained by a county superintendent of schools is 250 or more,  
23 each person who, after being employed for two complete  
24 consecutive school years by the superintendent in a ~~teaching~~  
25 position in those schools or classes requiring certification  
26 qualifications and whose salary is paid from the county school  
27 service fund, is reelected for the next succeeding school year to  
28 ~~such a~~ *that* position in those schools or classes, shall be classified  
29 as and become a permanent employee of the county  
30 superintendent of schools.

31 The county superintendent of schools shall notify the  
32 employee, on or before March 15 of the employee's second  
33 complete consecutive year of employment by the *county*

1 superintendent in a ~~teaching~~ position in schools or classes  
2 maintained by the superintendent requiring certification  
3 qualifications, of the decision to reelect or not reelect the  
4 employee for the next succeeding school year to ~~such a~~ *that*  
5 position in those schools. In the event that the county  
6 superintendent does not give notice pursuant to this section on or  
7 before March 15, the employee shall be deemed reelected for the  
8 next succeeding school year.

9 ~~Such an~~

10 *The* employee shall have the same rights and duties as  
11 employees of school districts to which Section ~~44882~~ *44929.21*  
12 applies. Sections ~~44841, 44842, 44882~~ *44929.21, 44948.3, and*  
13 *44948.5* are applicable to these employees.

14 This subdivision shall apply only to probationary employees  
15 whose probationary period commenced during the 1983–84 fiscal  
16 year or any fiscal year thereafter.

17 ~~(e) As used in this section, “teaching position” means any~~  
18 ~~certificated position designated as of January 1, 1983, by the~~  
19 ~~county board of education or the county superintendent of~~  
20 ~~schools as a teaching position for the purpose of granting~~  
21 ~~probationary or permanent status.~~